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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/617,526
Filing Date: July 10, 2003
Appellant(s): CHEN ET AL.

Rudolph O. Siegsmund
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02 April 2009 appealing from the Office

action mailed 17 October 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Application No. 10/631,070 and Application No. 10/617,530 are related and on appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

WITHDRAWN REJECTIONS

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

Claims 1 – 3, 9 – 11, 17, 24, 30 – 32, 38 – 40, 46, and 53 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5 – 7, 26, 30 – 32 of copending Application No. 10/631,070.

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner.

The rejections of claims 1 – 7, 9 – 15, 17 – 22, 24 – 28, 30 – 36, 38 – 44, 46 – 51 and 53 – 57 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 30 of copending Application No. 10/617,530 in view of http://web.archive.org/web/20001204034200/http://www.mandarintools.com/, Chinese-English Dictionary link are withdrawn in because of amendments to the claims of the conflicting Application No. 10/617,530.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Chinese-English Dictionary

(http://web.archive.org/web/20001204034200/http://www.mandarintools.com/),

Chinese-English Lookup

(http://web.archive.org/web/20010309104519/http://home.iprimus.com.au/richwarm/cel/

cel.htm),

Foolsworkshop

(http://web.archive.org/web/20021206035901/http://www.foolsworkshop.com/ptou/),

Hughes ("1ICT3 Computer Science Sample Paper I", 1998, University of Dublin).

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1.   Claims 1 – 3, 9 – 11, 17, 24, 30 – 32, 38 – 40, 46, and 53 are provisionally

rejected on the ground of nonstatutory obviousness-type double patenting as being

unpatentable over claims 1, 5 – 7, 26, 30 – 32 of copending Application No. 10/631,070.

Although the conflicting claims are not identical, they are not patentably distinct from

each other because the above-mentioned claims of copending Application No.

10/617,526 anticipate the claims of the current Application.

Current Application	Co-pending Application 10/631,070
1. A method comprising: using a computer having a display and connected to the internet, copying a Simplified Chinese character into an input field of a graphical user interface; using Unicode to determine a Traditional Chinese character equivalent of a Simplified Chinese character; using Unicode to translate the Simplified Chinese character into accented Pin Yin word and an English word; and responsive to a user activation of a single control on the graphical user interface, simultaneously displaying the Simplified Chinese character as a Traditional Chinese character, an unaccented Pin Yin word, a hybrid Pin Yin word, and an English word. 2. The method of claim 1 further comprising: accepting the Simplified Chinese character as user input, wherein	1. A method comprising: using a computer having a display and connected to the internet, accepting a user input of a Simplified Chinese word at a graphical user interface on the display; determining if the user input is an entire desired word, a beginning of the entire word, or whether the user input appears anywhere in the desired word; searching a dictionary for an entry containing a Simplified Chinese word; using Unicode to determine a Traditional Chinese word equivalent of a Simplified Chinese word; using Unicode to translate the Simplified Chinese word into accented Pin Yin word and an English word; and responsive to a user activation of a single control on the graphical user interface,

the Simplified Chinese character is encoded in GB2312 or Unicode. 3. The method of claim 1 further comprising: translating the Simplified Chinese character from GB2312 to Unicode. 8. The method of claim 1 further comprising: displaying the Simplified Chinese character, the Traditional Chinese character, the accented Pin Yin word, and the English word.	simultaneously displaying the Simplified Chinese word, the Traditional Chinese word equivalent, the accented Pin Yin word, and the English word. 6. The method of claim 1 further comprising: translating the Simplified Chinese word from GB2312 to Unicode. 7. The method of claim 1 further comprising: displaying the Simplified Chinese word, the Traditional Chinese word, the accented Pin Yin word, and the English word; and wherein the font size of the Simplified Chinese word and the font size of the Traditional Chinese word is user configurable.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1 – 4, 6 – 7, 9 – 12, 14 – 15, 17 – 20, 22, 24 – 26, 28, 30 – 33, 35 – 36,

38 – 41, 43 – 44, 46 – 49, 51, 53 – 55, and 57 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Chinese-English Dictionary

(http://web.archive.org/web/20001204034200/http://www.mandarintools.com/) in view

of Chinese-English Lookup

(http://web.archive.org/web/20010309104519/http://home.iprimus.com.au/richwarm/cel/

cel.htm) referred as Lookup hereinafter and in further view of Foolsworkshop

(http://web.archive.org/web/20021206035901/http://www.foolsworkshop.com/ptou/).

       Claim 1:

       The Chinese-English Dictionary link from

http://web.archive.org/web/20001204034200/http://www.mandarintools.com/ discloses a

method comprising:

    using a computer having a display ("Look It Up", Figure on page 1) and connected to

    the internet ("download the dictionary at the CEDICT website", page 1),

       copying a Simplified Chinese character from a web page into an input field of a

graphical user interface ("Search", Figure on page 1);

       using Unicode to determine a Traditional Chinese character equivalent of a

Simplified Chinese character ("searches can be conducted by Chinese (using either the

GB, Big5, or Unicode encodings), … results will show the Chinese word", page 1. Note

that the Chinese word can be selected to be either Simp. Chinese (GB) or Trad.

Chinese (Big5) as shown on top of page 1); and

using Unicode to translate the Simplified Chinese character into Pin Yin word and an English word ("searches can be conducted by Chinese (using either the GB, Big5, or Unicode encodings), ... results will show the Chinese word, the Pin Yin representation of the word, and the English definition", page 1).

However, Chinese-English Dictionary does not explicitly teach simultaneously displaying the different translations responsive to a user activation of a single control.

Lookup discloses a similar Chinese-English dictionary where a user is able to select and copy a word from a Web browsers or a word processor in order to get a desired translation and displaying the translated characters in the graphical user interface in response to an activation of a single control (Figure on top of page 1. Note the simultaneous display of the Chinese, Pin Yin, and English equivalents).

It would have been obvious to one with ordinary skill in the art at the time of the invention to simultaneously display the translated characters in Chinese-English Dictionary's graphical user interface in response to an activation of a single control in order to "help Chinese language learners to read Chinese electronic texts ..." (Lookup, page 1, paragraph 2).

Chinese-English Dictionary and Lookup teach the limitations as stated above, but they do not explicitly teach accented Pin Yin translations.

Foolsworkshop discloses a method of translating Pin Yin into accented Pin Yin ("converts text written in pinyin, with syllable-final tone numbers, into unicode" Note that unicode in this situation represents accented Pin Yin).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to display Pin Yin as accented Pin Yin because "many students and instructors of the Chinese language have a need to display pinyin with tone marks in their documents" so they are easier to read (Foolsworkshop, first line).

Claim 2:

Chinese-English Dictionary, Lookup and Foolsworkshop disclose the method of claim 1, Chinese-English Dictionary further discloses: accepting the Simplified Chinese character as user input, wherein the Simplified Chinese character is encoded in GB2312 or Unicode ("return the results in GB ... or Unicode", page 1).

Claim 3:

Chinese-English Dictionary, Lookup and Foolsworkshop disclose the method of claim 1, Chinese-English Dictionary further discloses: translating the Simplified Chinese character from GB2312 to Unicode ("return the results in GB ... or Unicode", page 1).

Claim 4:

Chinese-English Dictionary, Lookup and Foolsworkshop disclose the method of claim 1, Chinese-English Dictionary further discloses: accessing a conversion table to determine the Traditional Chinese character ("searches can be conducted by Chinese (using either the GB, Big5, or Unicode encodings), ... results will show the Chinese word", page 1. Note that a conversion table is inherent in the determination of equivalent characters).

Claim 6:

Chinese-English Dictionary, Lookup and Foolsworkshop disclose the method of

claim 1, Chinese-English Dictionary further discloses accessing a dictionary to

determine the Traditional Chinese character ("CEDICT dictionary", page 1)

Claim 7:

Chinese-English Dictionary, Lookup and Foolsworkshop disclose the method of

claim 1, Chinese-English Dictionary further discloses wherein Traditional Chinese

character is determined without the use of an intermediate language ("searches can be

conducted by Chinese (using either the GB, Big5, or Unicode encodings), ... results will

show the Chinese word", page 1. Note that the Chinese word can be selected to be

either Simp. Chinese (GB) or Trad. Chinese (Big5) as shown on top of page 1).

Claims 9 – 12, 14 – 15, 17 – 20, 22, 24 – 26, 28 – 33, 35 – 36, 38 – 41, 43 – 44,

46 – 49, 51, 53 – 55, and 57:

Claims 9 – 12, 14 – 15, 17 – 20, 22, 24 – 26, 28 – 33, 35 – 36, 38 – 41, 43 – 44,

46 – 49, 51, 53 – 55, and 57 are similar in scope and content to claims 1 – 4, and 6 – 7;

therefore they are rejected with the same rationale.

4.   Claims 5, 13, 21, 27, 34, 42, 50 and 56 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Chinese-English Dictionary

(http://web.archive.org/web/20001204034200/http://www.mandarintools.com/) in view

of Lookup and in further view of Foolsworkshop

(http://web.archive.org/web/20021206035901/http://www.foolsworkshop.com/ptou/) and

in further view of Hughes ("1ICT3 Computer Science Sample Paper I", 1998, University

of Dublin)

Claims 5, 13, 21, 27, 34, 42, 50 and 56:

Chinese-English Dictionary and Foolsworkshop disclose the method of claim 1, but

do not explicitly disclose using a Java hashtable.

Hughes discloses a conversion table for Morse code stored in a Java hashtable

("The conversion table for Morse code can be stored in a Java Hashtable object", page

4, question 6).

Therefore it would have been obvious to one with ordinary skill in the art at the

time of the invention to use a Java hashtable as the conversion table in Chinese-English

Dictionary because Java is able to run on any platform.

(10) Response to Argument

Regarding the provisional rejections of claims 1 – 3, 9 – 11, 17, 24, 30 – 32, 38 –

40, 46, and 53 on the ground of nonstatutory obviousness-type double patenting as

being unpatentable over claims 1, 5 – 7, 26, 30 – 32 of copending Application No.

10/631,070, Appellants notes that the Examiner erred in contending the conflicting

claims "are not patentably distinct from each other because the above-mentioned claims

of copending Application No. 10/617,526 anticipate the claims of the current

Application" because the Instant Application is Application No. 10/617,526 (Appeal

Brief, page 13). This is a typographical error on the Examiner's part; the copending

application is Application No. 10/631,070 (as noted in the introduction of the rejection

and the table above) and claims 1 – 3, 9 – 11, 17, 24, 30 – 32, 38 – 40, 46, and 53 of

the current application are obvious over claims 1, 5 – 7, 26, 30 – 32 of copending

Application No. 10/631,070.

Appellants also argue that claim 1 of the current application recites displaying an

unaccented Pin Yin word and a hybrid Pin Yin word which is not disclosed in the claims

of Application No. 10/631,070 (Appeal Brief, page 13). However, the claims of

Application No. 10/631,070 disclose displaying many translations of a Chinese

character including an accented Pin Yin and English. It would have been obvious to one

with ordinary skill in the art to have displayed different forms of Pin Yin corresponding to

the Chinese character specially using the claimed Unicode which is an international

standard encoding scheme for all the major languages in the world.

Appellants also argue that claim 1 of Application No. 10/631,070 recites

limitations not present in claim 1 of the current application (Appeal Brief, pages 13 and

14). However, it is well settled that the omission of an element/step and its function is an

obvious expedient if the remaining elements perform the same function as before. *In re*

Karlson, 136 USPQ 184 (CCPA 1963). Also note Ex parte Rainu, *168 USPQ 375 (Bd.*

App. 1969). Omission of a reference element or step whose function is not needed

would be obvious to one of ordinary skill in the art. In this case the limitations omitted

from the claims of the current application, specifically "determining if the user input is an

entire desired word, a beginning of the entire word, or whether the user input appears

anywhere in the desired word" limits the search of Chinese words for example by

limiting the search to words that begin with a Chinese character but does not alter the

function of translating Chinese characters.

Appellants also argue that no reasoning was given to support the rejections of

claims 9 – 11, 17, 24, 30 – 32, 38 – 40, 46, and 53. However, these claims are similar to

claims 1 – 3 and 8 and are rejected for the same reasons.

Regarding the prior art rejections of claims 1 – 4 and 6 – 7, Appellants argue that

the combination of Chinese-English Dictionary and Lookup fails to disclose "copying a

Simplified Chinese character into an input field of a graphical user interface" (Appeal

Brief, page 16). Specifically, Appellants argue that Lookup (CEL Web Page) fails to

teach "into an input field" and that the Examiner interprets the "Search" menu item in

Lookup (CEL Web Page) as reading on "input field". The Examiner respectfully

disagrees. It is the "Search" field in Chinese-English Dictionary (not the "Search" menu

item in Lookup) that is used as the GUI (graphical user interface) field for inputting

Chinese characters. Lookup (CEL Web Page) teaches copying a Chinese character

which is pasted in the CEL (Chinese/English Lookup) window. The Chinese characters

copied from the Notepad file are pasted into the CEL window (a GUI) in a specific

location (input field). The combination of Chinese-English Dictionary and Lookup (CEL

Web Page) teaches inputting Chinese characters in Chinese-English Dictionary's input

field using the old and well known method of copying strings into a GUI input field.

Appellants also argue that the combination of Chinese-English Dictionary and

Lookup (CEL Web Page) fails to disclose "simultaneously displaying the Simplified

Chinese character as a Traditional Chinese character, an unaccented Pin Yin word, a

hybrid Pin Yin word, and an English word" (Appeal Brief, page 17) . Specifically

Appellants argue that CEL displays the original Traditional Chinese character, one form

of Pin Yin, and an English translation but fails to disclose displaying a second form of

Pin Yin and a Simplified Chinese translation. However, it is Chinese-English Dictionary

which is relied upon to teach the different translations (translating any input from the list

including Traditional Chinese, Simplified Chinese, Pin Yin, and English into any other

language/representation in the list). Further, Chinese-English Dictionary discloses

inputting unaccented Pin Yin ("dian shi ji", page 1, lines 22-28, section entitled "When

Searching by pinyin") and hybrid Pin Yin ("dian4 shi4 ji1", page 1, lines 22-28, section

entitled "When Searching by pinyin") and it would have been obvious to one with

ordinary skill in the art to have displayed Chinese-English Dictionary's Pin Yin

representations in these different Pin Yin forms. Lookup (CEL Web Page) is relied upon

to teach displaying multiple translations simultaneously. It would have been obvious to

one with ordinary skill in the art to have used Lookup's teaching of simultaneously

displaying a word and many of the word's translations to display Chinese-English

Dictionary's input word along with its many translations. The combination of Chinese-

English Dictionary and Lookup therefore teaches "simultaneously displaying the

Simplified Chinese character as a Traditional Chinese character, an unaccented Pin Yin

word, a hybrid Pin Yin word, and an English word".

Appellants also argue that the combination of Chinese-English Dictionary and

Lookup (CEL Web Page) fails to disclose "responsive to a user activation of a single

control … displaying" because Lookup (CEL Web Page) is silent to responding to activating a single control to pop up its display (Appeal Brief, page 18). The Examiner respectfully disagrees. Lookup (CEL Web Page) discloses triggering the dictionary displaying the translations not only automatically (as Appellants argue) but also manually (Page 1, Section entitled "What's new in Version 2.0?") which reads on Appellants' "responsive to a user activation of a single control … displaying".

Regarding the prior art rejections of claims 9 – 12, 14 – 15, 17 – 20, 22, 24 – 26, 28, 30 – 33, 35 – 36, 38 – 41, 43 – 44, 46 – 49, 51, 53 – 55, and 57, the arguments advanced by Appellants are similar to the ones presented in regards to claims 1 – 4 and 6 – 7. Therefore the above discussions put forth by the Examiner apply against the arguments advanced by appellants regarding the prior art rejections of the claims 9 – 12, 14 – 15, 17 – 20, 22, 24 – 26, 28, 30 – 33, 35 – 36, 38 – 41, 43 – 44, 46 – 49, 51, 53 – 55, and 57.

Regarding the prior art rejections of claims 5, 13, 21, 27, 34, 42, 50, and 56, Appellants have not put forth any additional arguments besides noting that these claims inherit all the limitations of claims 1, 9, 17, 24, 30, 38, 46, and 53.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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